

**REMARKS**

Claims 1-56 are pending in this application.

Applicants have amended claims 38, 43, and 45. The changes made to these claims do not introduce any new matter.

Applicants respectfully request reconsideration of the rejection of claims 1-15, 17, 19-21, 23, 28-36, 38, 43, 45, and 51-56 under 35 U.S.C. § 102(e) as being anticipated by *Nakajima* (U.S. Patent No. US 6,650,437 B1). As will be explained below, the *Nakajima* reference does not disclose each and every feature specified in the claims.

Applicants respectfully traverse the Examiner's characterization of the *Nakajima* reference relative to the claimed subject matter. In support of the anticipation rejection of claim 1, the Examiner asserts that the *Nakajima* reference discloses the elements recited in claim 1 by referring to scanner 30 and the property information shown in Figure 4. The property information shown in Figure 4, however, is added to the image data by image data exchanger 14, which functions as an image processing apparatus (Applicants submit that the specification of the *Nakajima* reference clearly indicates that image data exchanger 14 corresponds to an image processing apparatus). As such, the property information is not added by an image data generating apparatus.

The *Nakajima* reference is directed toward the expediting of the spooling when image data is fetched from scanner 30 (spooling), and to achieve this object, *Nakajima* does not carry out image processing upon spooling. The *Nakajima* reference, therefore, does not generate and use property information when fetching image data. In other words, the property information is used in image processing that is performed afterward, and the addition and the use of the property information is carried out by an identical device (image data exchanger 14). The *Nakajima* reference evidently gives no consideration to data exchange between

different apparatuses, namely, an image generating apparatus and an image processing apparatus as specified in the claimed subject matter.

For the reasons set forth above, the *Nakajima* reference does not disclose an image generating apparatus that includes means for generating color space information as defined in claim 1. Further, the *Nakajima* reference does not disclose any element that corresponds to the claimed means for generating color space information. Thus, for at least this reason, the *Nakajima* reference does not disclose each and every feature of claim 1.

The arguments made above regarding claim 1 also apply in principle to the other independent claims, namely, independent claims 6, 8, 13, 15, 17, 28, 30, 34, 36, 38, 43, 45, and 52-56. Regarding independent claims 38, 43, and 45, Applicants have amended these claims to clarify that the image data and the color space information are input from an independent image data generating apparatus. In the system shown in the *Nakajima* reference, scanner 30 generates image data in cooperation with image data exchanger 14, and the scanner is incapable of independently generating image data. As such, the *Nakajima* reference does not disclose the image processing apparatus defined in claim 38, as amended herein.

Accordingly, for at least the foregoing reasons, claims 1-15, 17, 19-21, 23, 28-36, 38, 43, 45, and 51-56, as amended herein, are patentable under 35 U.S.C. § 102(e) over *Nakajima*.

Applicants respectfully request reconsideration of the rejection of claims 18, 22, 26, 40-42, and 47-50 under 35 U.S.C. § 103(a) as being unpatentable over *Nakajima* in view of *Buhr et al.* (U.S. Patent No. 5,528,339). The deficiencies of the *Nakajima* reference relative to the claimed subject matter are set forth above in connection with the anticipation rejection. The *Buhr et al.* reference does not cure the above-discussed deficiencies of the *Nakajima* reference relative to the claimed subject matter. Accordingly, claims 18, 22, 26, 40-42, and

47-50 are patentable under 35 U.S.C. § 103(a) over the combination of *Nakajima* in view of *Buhr et al.* for at least the same reasons set forth above.

Applicants respectfully request reconsideration of the rejection of claims 16, 24, and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Nakajima* in view of *Parulski et al.* (U.S. Patent No. US 6,310,647 B1). The deficiencies of the *Nakajima* reference relative to the claimed subject matter are set forth above in connection with the anticipation rejection. The *Parulski et al.* reference does not cure the above-discussed deficiencies of the *Nakajima* reference relative to the claimed subject matter. Accordingly, claims 16, 24, and 25 are patentable under 35 U.S.C. § 103(a) over the combination of *Nakajima* in view of *Parulski et al.* for at least the same reasons set forth above.

Applicants respectfully request reconsideration of the rejection of claims 37, 39, 44, and 46 under 35 U.S.C. § 103(a) as being unpatentable over *Nakajima* in view of Applicants' admitted prior art. As noted above, Applicants have amended independent claims 38, 43, and 45 (from which claims 39, 44, and 46 respectively depend) to clarify that the image data and the color space information are input from an independent image data generating apparatus. The admitted prior art relied upon by the Examiner does not cure the deficiencies of the *Nakajima* reference relative to amended claims 38, 43, and 45. As such, the combination of *Nakajima* in view of Applicants' admitted prior art would not have suggested to one having ordinary skill in the art the subject matter defined in claims 37, 39, 44, and 46.

Accordingly, for at least the foregoing reasons, claims 37, 39, 44, and 46 are patentable under 35 U.S.C. § 103(a) over the combination of *Nakajima* in view of Applicants' admitted prior art.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-56, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the

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**Amendment dated August 20, 2005**  
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event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP006).

Respectfully submitted,  
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A handwritten signature in black ink, appearing to read 'Peter B. Martine', with a long horizontal line extending to the right.

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